



**NC Public Schools
READY for Success**

Specific Learning Disability (SLD) Policy

within a

Multi-Tiered System of Support (MTSS)

NC: Where We Stand



- NC DPI's position, based on existing research, is that the use of ability/achievement discrepancy for identifying students as having a Specific Learning Disability is NOT an appropriate practice.

NC: Where We Stand

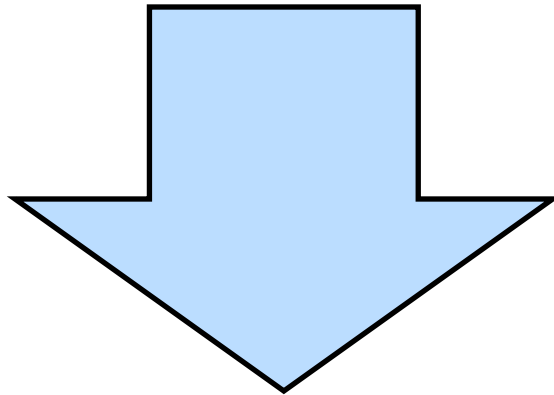


A multi-tiered system of support process is not
about SLD identification and eligibility

BUT

SLD identification and eligibility is about a
multi-tiered system of support process

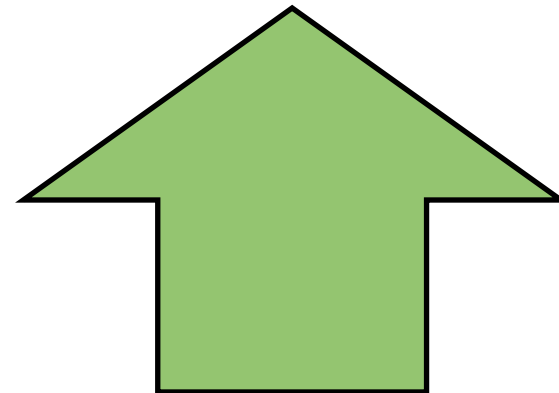
Shift in Focus



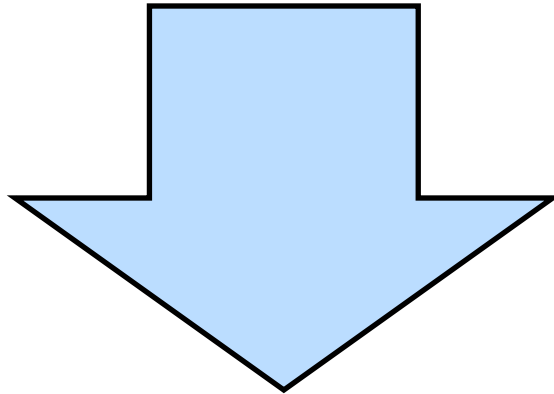
To unexpected
underachievement in
the context of **high
quality instruction
and intervention**



Away from
unexpected
underachievement
relative to intellectual
ability



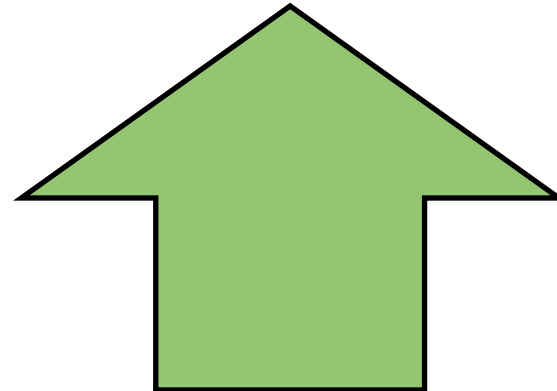
Shift in Focus



**To providing
students the
instruction and
interventions they
need for success**



**Away from
determining who is
eligible for
services**





SLD Determination

A National Perspective

In the beginning... 1975



- Use of severe discrepancy was an uneasy compromise that solved a political problem in the 1970s
- Little research was done on the possible consequences of the severe discrepancy

Learning Disabilities Roundtable... 2002



- Rejected the use of the ability-achievement discrepancy model
 - Not a valid marker
 - Unreliable
 - Provides limited information for what enables learning
- Recommended an alternative known today as Response to Intervention (RtI), with a focus on quality instruction

SLD Procedures- IDEA 300.307



- A state must adopt... criteria for determining whether a child has a specific learning disability
- *May not require* LEAs to use a discrepancy model for determining whether a child has a SLD*
- *Must permit* a process based on a child's response to scientific, research-based instruction
- *May permit* the use of other alternative research-based procedures

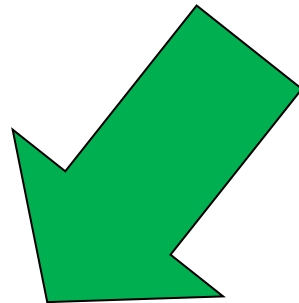
Back Home in NC



TABLE 2

Summary of States' Regulations and Guidance Regarding RTI in SLD Criteria

<i>Criterion</i>	<i>States</i>
Regulations	
Allow RTI	AL, AK, AZ, AR, CA, HI, IN, KS, KY, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA
Require RTI	CO, CT, DE, FL, IA, NM (K-3), NY (K-4), RI, WV, WI, WY
Require RTI Plus Cognitive Processing	GA, ID, ME
Require RTI Plus Pattern of Academic Strengths and Weaknesses	LA
Require RTI; May use severe discrepancy (SD) or pattern of strengths and weakness (SW) after RTI data collected	IL, MS
Prohibit Severe Discrepancy	CO, CT, DE, IN, IA, NY ^c , RI, WV
Prohibit Pattern of Strengths and Weakness	FL



Timeline: MTSS and the Elimination of Ability/Achievement Discrepancy



2014-2015
MTSS

Build infrastructure, common language, and problem-solve potential barriers

Feb 2015
SLD

Policy changes; Public notice and comment

June 2015
SLD

Policy changes; seek State Board of Education approval

Timeline

2015-2016
MTSS

Continue professional development and coaching;
Usability testing of implementation tools

2016-2019
MTSS

Provide professional development and coaching to
LEAs (K-12)

2019-2021
MTSS

Continued support; provide professional development
for new sites

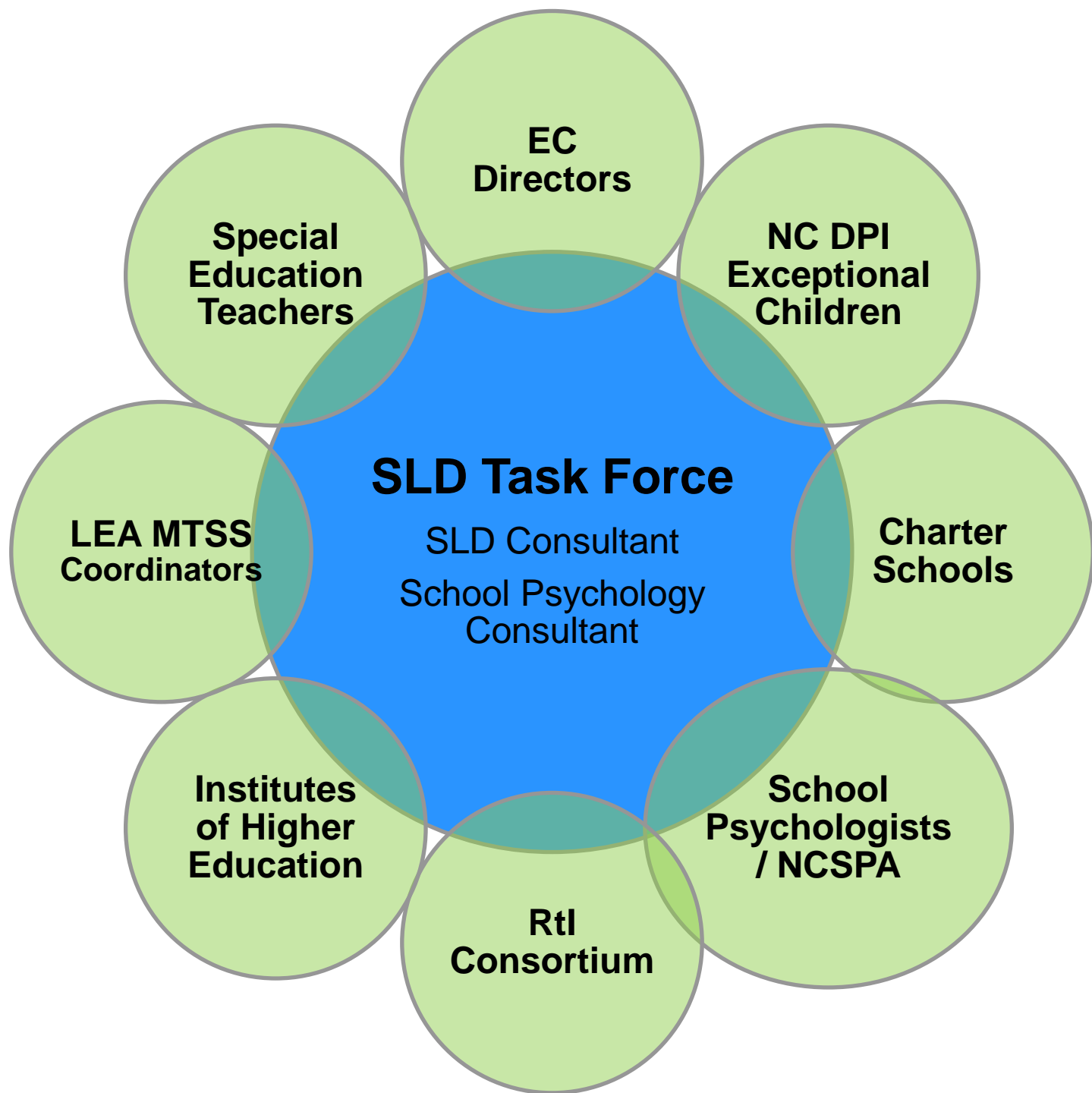
2020-2021
SLD

All K-12 use MTSS data as the basis of a full and
individual evaluation for SLD eligibility decisions
(ability/achievement discrepancy eliminated)

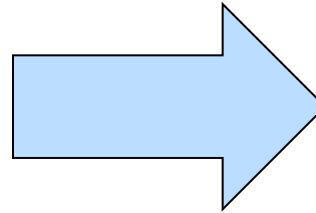
Moving Forward SLD Policy Changes

2020

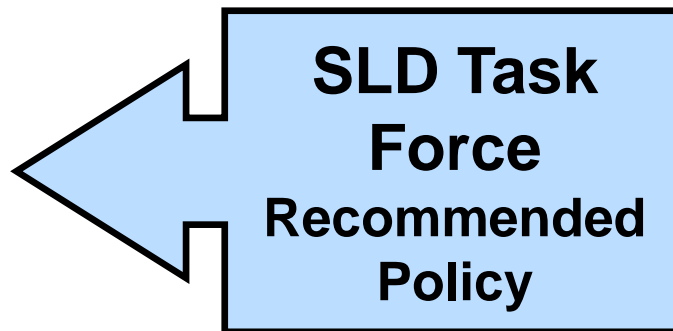
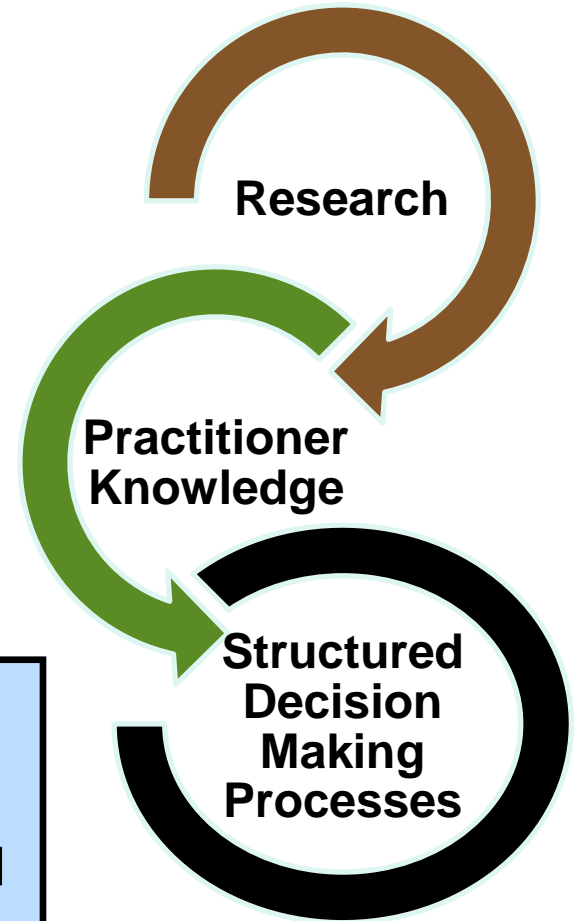
2015



Issues and Barriers



SLD Task Force



Directors' Advisory Council

EC Advisory Council

Stakeholder Collaborative

Current SLD Policy



**Does not
achieve
adequately to
meet age,
intellectual
development,
or grade-level
State
standards in
one of eight
areas**



**Lack of
progress in
response to
scientific
research-
based
instruction

OR

Discrepancy:
Pattern of
strengths and
weaknesses**



**Rule out:

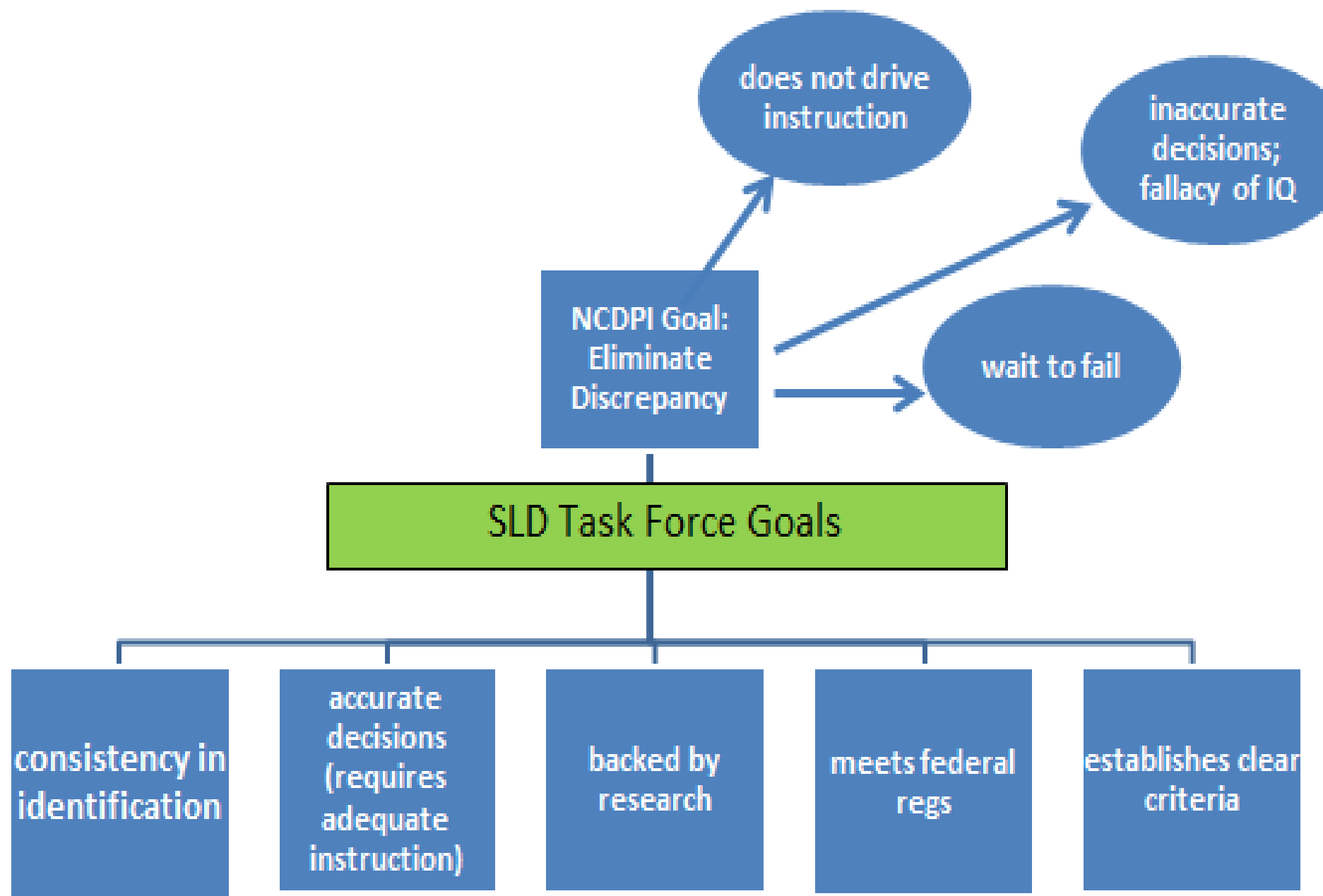
Vision/hearing/
motor
problems,
intellectual
disability,
emotional
disturbance,
cultural and/or
environmental
issues, ELP**



**Rule out lack of
instruction by
documenting:**

- appropriate instruction by qualified personnel
- repeated assessments

**Adverse effect AND
require specially designed instruction**



Proposed SLD Policy

Start here



Does not achieve adequately to meet age or grade-level State standards in one of eight areas

+

Rtl: Lack of progress in response to scientific research-based instruction

+

Rule out: Vision/hearing/motor, intellectual disability, emotional disturbance, cultural and/or environmental issues, LEP, attendance and mobility rates

+

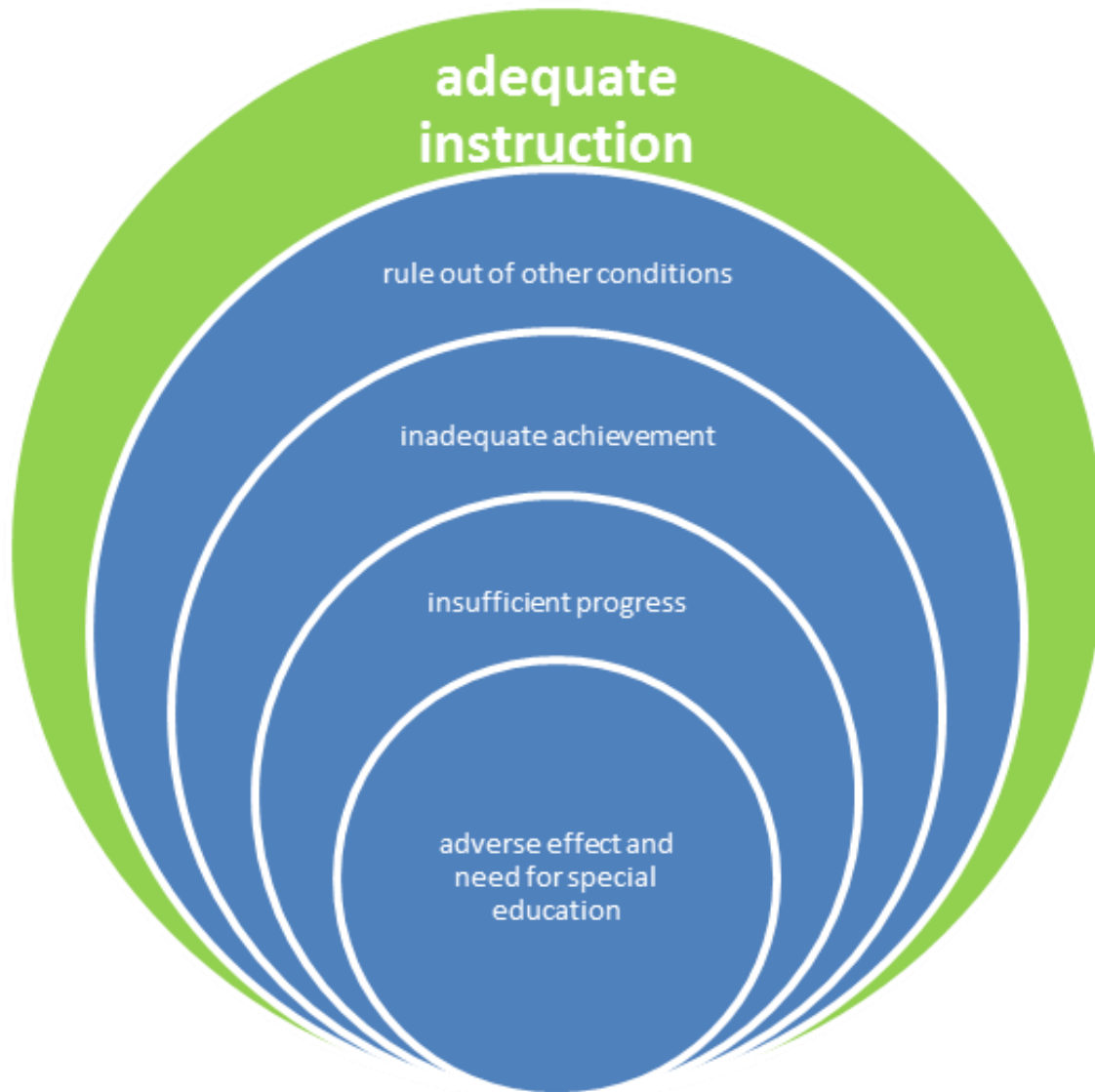
Rule out lack of instruction by documenting:

- appropriate instruction by qualified personnel
- repeated assessments

**Adverse effect AND
require specially designed instruction**



Strengthening the “rule out” of Lack of Appropriate Instruction



Adequate instruction is considered an *inclusionary* factor, in that it is considered the lens through which inadequate achievement and insufficient progress, are considered.

Adequate Instruction as Inclusionary



- Provision of high-quality core instruction delivered with fidelity
- Provision of scientific research-based interventions delivered with fidelity
- A systematic process of problem solving/data-based decision making

Systematic Observational Data



Purpose:

- Informs problem solving and data-based decision making;
- Assists in the documentation of:
 - appropriate instruction
 - scientific research-based interventions were delivered with fidelity
- Documents the child's academic achievement, functional performance and behavior in area(s) of difficulty

Exclusionary Factors



The disability must not be the *primary* result of:

- A visual, hearing or motor disability;
- Intellectual disability;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic influences; and/or
- **Loss of instructional time due to factors that include, but are not limited to absences, tardies, high mobility rates, and suspensions.**

SLD Task Force Recommendations



of association with
The degree of clarity in
which a televised image
broadcast signal is rec
def·i·ni·tion n. 1.
The teacher gave de
of the new words.
of an image (pict

Definition

Definition of SLD



The definition of SLD has remained basically unchanged since the definition proposed by Samuel Kirk in 1962 and in PL 94-142 in 1975.

Goals:

- Eliminate outdated language
- Reflect points of general agreement in the Learning Disability community
- Reflect an RtI-based process

Proposed Definition



- Specific Learning Disability means a disability in one or more of the basic learning processes that results in unexpected academic underachievement following sustained, high quality instruction and scientific research-based intervention.

Proposed Definition



- Associated conditions may include, but are not limited to, dyslexia and dyscalculia. Specific learning disabilities occur across the lifespan regardless of a student's culture, race, ethnicity, language, gender or socioeconomic status .

Proposed Definition

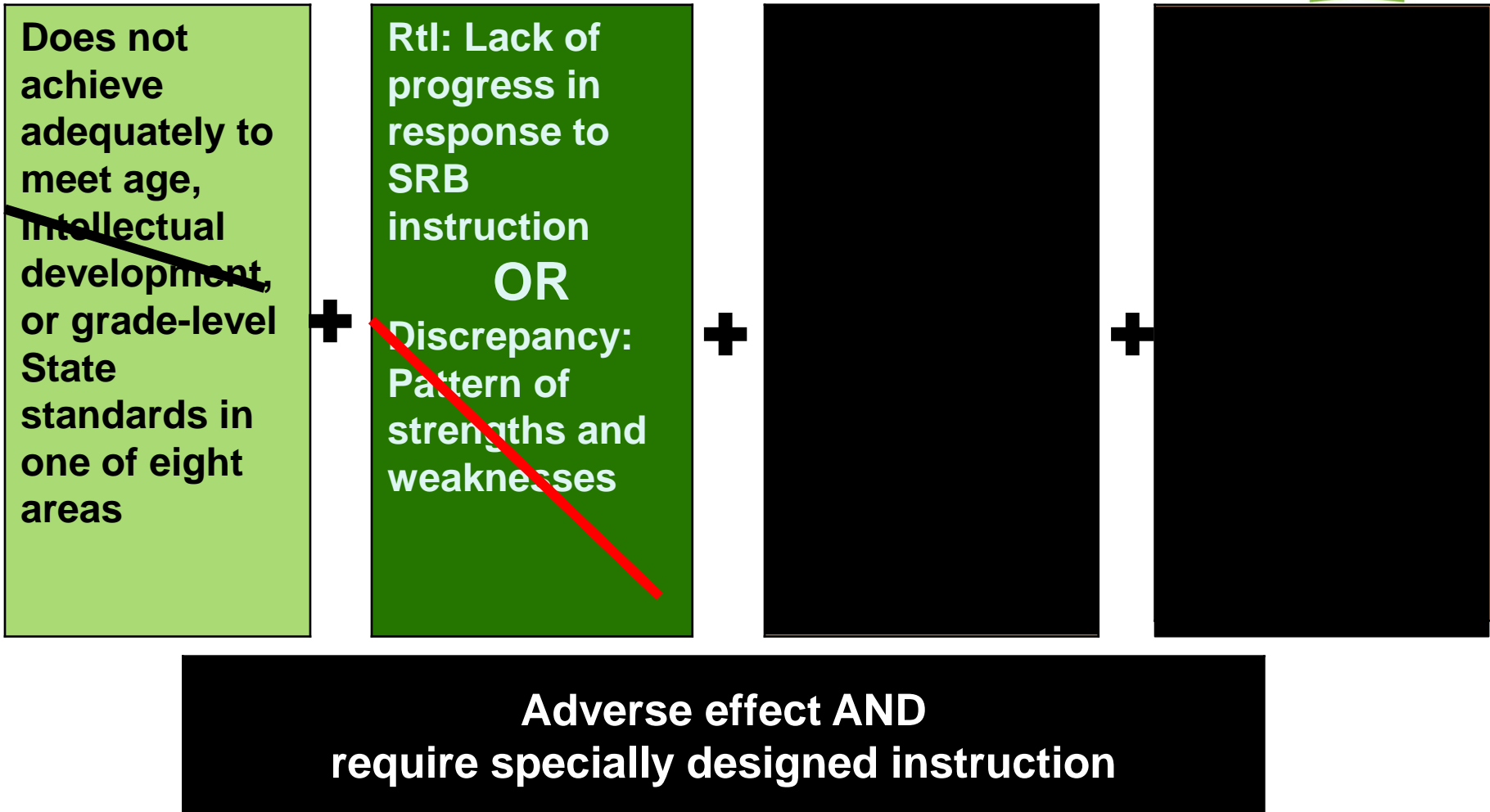


- Specific learning disability does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of serious emotional disturbance, or of environmental, cultural or economic disadvantage.



Pattern of Strengths and Weaknesses

PSW Proposed Policy Changes



Pattern of Strengths and Weaknesses Models



“There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions.”

Federal Register August 14, 2006, p. 46651

Pattern of Strengths and Weaknesses Models



“ . . . general application did not improve the efficiency of the decision model, may not be cost effective because of low base rates, and may result in many children receiving instruction that is not optimally matched to their specific needs.”

“ . . . efforts to relate cognitive patterns of strengths and weaknesses (PSW) to identification or treatment have met with limited success, especially when the focus is on individual profiles.”

Stuebing, K. K., Fletcher, J. M., Branum-Martin, L., & Francis, D. J. (2012).

Evaluation of the technical adequacy of three methods for identifying specific learning disabilities based on cognitive discrepancies. School Psychology Review, 41, 3–22.

Pattern of Strengths and Weaknesses Models



“Advocates of a PSW model argue that a comprehensive assessment can help inform subsequent intervention and improve treatment response. However, despite years of research, group by treatment interactions remain largely speculative and unproven.”

Miciak, J., Fletcher, J, Stuebing, K., & Vaughn, S (2014). Patterns of cognitive strengths and weaknesses: Identification rates, agreement, and validity for learning disabilities identification. *School Psychology Quarterly* 29, 21-37.

Comprehensive Evaluation



- Use of an Rtl-based evaluation does not replace the requirement for a full and individual, comprehensive evaluation
- The determination of “comprehensiveness” is based on each student’s individualized needs
- Multiple sources of data are critical for informed decision making

Comprehensive Evaluation: Role of Cognitive Processing



- Assessments of cognitive processing can be used, as determined by the IEP team, *to inform instruction and intervention*, but **not** for eligibility determination.
- As additional research in the area of cognitive processing related to PSW model(s) emerges, policy changes will be considered, as needed.



Operationalize Level and Rate of Learning Criteria

Level and Rate of Learning Criteria



Defining “does not achieve adequately for the child’s age or to meet State-approved grade-level standards”

Defining “does not make sufficient progress to meet age or State-approved grade-level standards”

Level of Learning → Academic Underachievement



Defining “does not achieve adequately for the child’s age or to meet State-approved grade-level standards”

Level of Learning → Academic Underachievement



- Inadequate response to high-quality instruction and scientific research-based intervention delivered with fidelity
- Evidence from multiple data sources
 - *Must* include universal screening, interim/benchmark assessments and progress monitoring data
 - *May* include state and districtwide assessments

Level of Learning → Academic Underachievement



- *Must* be compared to multiple groups
- *Must* include state and/or national comparison groups
- *May* be compared against culturally and linguistically similar peers, classroom, school and/or other comparison groups

Rate of Learning → Insufficient Rate of Progress



Defining “does not make sufficient progress to meet age or State-approved grade-level standards”

Rate of Learning → Insufficient Rate of Progress



- When provided with high- quality core instruction that a majority of students are responding to, and
- Scientific research-based interventions, matched to area of need, and
- Evidence of implementation fidelity is collected/documentated

Rate of Learning → Insufficient Rate of Progress



- Rate of progress based on valid and reliable measures is:
 - Same or less than that of same-age or grade peers which will not result in closing gap in a reasonable period of time; or
 - Greater than same-age or grade peers, but will not result in closing gap



Academic Underachievement

+

Insufficient Rate of Progress =

Unexpected Academic Underachievement

Start here

SLD Proposed Policy Outcomes



Rule out lack of instruction by documenting:

- appropriate instruction by qualified personnel
- repeated assessments

+

**Rule out:
Vision/hearing/
motor,
intellectual
disability,
emotional
disturbance,
cultural and/or
environmental
issues, LEP,
attendance and
mobility rates**

+

**Does not
achieve
adequately
to meet age
or grade-
level State
standards in
one of eight
areas**

+

**Rtl: Lack of
progress in
response to
scientific
research-
based
instruction**

**Adverse effect AND
require specially designed instruction**

“Rtl should never be equated with an identification method because **the focus is on enhanced service delivery and academic and behavioral outcomes** for children.”

Fletcher and Vaughn, 2009





**NC Public Schools
READY for Success**

**Public Comment Period:
February 4, 2015 – March 6, 2015**



Public Comment Meetings



February 16, 2015
5:30-7:00

Sadie Saulter Elementary
400 Spruce Street
Greenville, NC

February 17, 2015
5:30-7:00

Dale K Spencer Bldg
1802 South 15th Street
Wilmington, NC

February 23, 2015
5:30-7:00

NCDPI
301 N. Wilmington St.
Raleigh, NC

Public Comment Meetings



February 24, 2015

6:00-7:30

600 Laureate Way
Kannapolis, NC

February 25, 2015

5:30-7:00

613 Cherry Street
N. Wilkesboro, NC

<http://ec.ncpublicschools.gov/>

Questions?



Lynne Loeser

SLD/ ADHD Statewide
Consultant

lynne.loeser@dpi.nc.gov

Lynn Makor

NC DPI Consultant for
School Psychology

lynn.makor@cidd.unc.edu